REMARKS/ARGUMENTS

Claims 1-39 are pending in the application. The Examiner has rejected claims 1-39.

The Examiner states, "Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e)...." Applicant notes MPEP § 201.11(V) states, in part, "If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (e.g., if the benefit claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt. This is because the application will have been scheduled for publication on the basis of such information concerning the benefit claim. Applicant must still submit the benefit claim in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (i.e., by an amendment in the first sentence of the specification or in an ADS) to have a proper claim under 35 U.S.C. 120 or 119(e) and 37 CFR 1.78 to the benefit of a prior application." Applicant notes the information concerning the benefit claim is included on the filing receipt. Thus, Applicant presents an amendment of the first sentence of the specification. Therefore, Applicant submits the benefit claim has been perfected.

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5), alleging they include the following reference character(s) not mentioned in the description: Figure 4B features element 442 (Vote Documentation, Vote FOR/AGAINST), which is not disclosed in the specification. Applicant presents an amendment to the specification. Thus, Applicant submits the Examiner's objection to the drawings has been obviated.

The Examiner has rejected claims 1-5, 7, 9, 10, 16, 18-24, 26-28, 33, 35, and 36 under 35 U.S.C. § 102(b) as being anticipated by Bayer et al. (U.S. Patent No. 6,311,190). Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in claim 1. For example, Applicant submits the cited portion of the cited reference fails to disclose, "for each eligible voter of the plurality of eligible voters that accesses

the voting website, validating identity of the eligible voter to produce a validated voter." While the Examiner cites col. 28, lines 13 and 14, particularly step 242, as disclosing such feature, Applicant notes the paragraph including the cited portion begins with "Referring to FIG. 24,...." Applicant notes col. 26, lines 34-36, state "Referring to FIGS. 21-25, a flow chart of the operation and programming of the network server 12 for the registration site when connector to one of the registrant's computer 18, i.e., a network client computer, is shown." Also, as cited by the Examiner, Applicant notes col. 18, lines 55-57, states, "The registration campaign at the registration site operate independently of voting campaigns in system 10...." Thus, Applicant submits the cited portions of the cited reference not only fail to disclose, but also teach away from the claimed invention as set forth in claim 1. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claims 2 and 19, Applicant presents arguments for the allowability of the claims from which claims 2 and 19 depend. Therefore, Applicant submits claims 2 and 19 are also in condition for allowance.

Regarding claims 3 and 20, Applicant presents arguments for the allowability of the claims from which claims 3 and 20 depend. Therefore, Applicant submits claims 3 and 20 are also in condition for allowance.

Regarding claim 4, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in claim 4. For example, Applicant submits the cited portion of the cited reference fails to disclose "providing a plurality of hyperlinks on the voting website." The Examiner cites col. 18, lines 49-55, which states, "Similar to a voting campaign, each registration campaign has an assigned URL. An embedded hyperlink to a particular URL of an associated registration campaign may be provided in the results page provided by the voting site, such that a voter at the voting site may link (connect) to the associated registration campaign at the registration site." Applicant notes the cited portion of the cited reference refers singularly to "an embedded hyperlink," not "a plurality of hyperlinks." As another example, Applicant submits the cited portion of the cited reference fails to disclose "wherein a first hyperlink of the plurality of hyperlinks directs an eligible voter to a voting page and a second hyperlink of the plurality of hyperlinks directs the user to documentation related to the voting issue." Applicant submits the "associated registration campaign at the registration site" discloses neither "a voting page" nor "documentation related to the voting issue." Applicant again notes, as cited by the Examiner, col. 18, lines 55-57, states, "The registration

campaign at the registration site operate independently of voting campaigns in system 10...." Thus, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention. Therefore, Applicant submits claim 4 is in condition for allowance.

Regarding claims 5 and 24, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in either claim 5 or claim 24. For example, Applicant submits the cited portion of the cited reference fails to disclose "sending a consent email message to each potential voter of a plurality of potential voters, wherein the consent email message includes a hyperlink to a consent website," for which the Examiner cites col. 13, lines 56-58, or "receiving consent information corresponding to at least a portion of the plurality of potential voters based on responses provided by the at least a portion of the plurality of potential voters via the consent website," for which the Examiner cites col. 19, lines 24-30. In citing col. 13, lines 56-58, the Examiner refers to "the voting website." However, in citing col. 19, lines 24-30, the Examiner refers to "the content [sic] (registration) website." Applicant notes col. 18, lines 55-57, states, "The registration campaign at the registration site operate independently of voting campaigns in system 10...." Accordingly, Applicant submits the cited portions of the cited reference teach away from "the voting website" and "the content [sic] (registration) website" disclosing a "consent website," as the apparently asserted by the Examiner. Thus, Applicant submits the cited portions of the cited reference not only fail to disclose, but also teach away from the claimed invention as set forth in claims 5 and 24. Therefore, Applicant submits claims 5 and 24 are in condition for allowance.

Regarding claims 7 and 26, Applicant presents arguments for the allowability of the claims from which claims 7 and 26 depend. Therefore, Applicant submits claims 7 and 26 are also in condition for allowance.

Regarding claims 9 and 27, Applicant submit the Examiner has mischaracterized the teachings of the cited portions of the cited reference. The Examiner cites "Voting Digital ID and VoteCookie." However, in col. 10, lines 26-30, descriptions of fields are delimited by semicolons. Thus, as a comma separates "VoteCookie, a Voting Digital ID," the phrase "a Voting Digital ID" appears to be an appositive describing "VoteCookie." Accordingly, Applicant submits the Examiner's characterization of the cited reference is incorrect and the cited portions of the cited reference do not anticipate the claimed invention as set forth in claims 9 and 27. Therefore, Applicant submits claims 9 and 27 are in condition for allowance.

Regarding claim 10, Applicant presents arguments for the allowability of the claim from which claim 10 depends. Therefore, Applicant submits claim 10 is also in condition for allowance.

Regarding claims 16 and 33, Applicant submits the cited portions of the cited reference fail to anticipate the claimed invention as set forth in either claim 16 or claim 33. The Examiner states, "providing a consent notification (sending an email message) to a potential voter of a plurality of potential voters, wherein the consent notification notifies the potential voter of the consent website (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) [Column 18, lines 58-60]." The Examiner thus apparently attempts to analogize "the URL of a voting campaign" to "the consent website." The Examiner then states, "receiving consent (registration) information corresponding to at least a portion of the plurality of potential voters based on responses (user name, password and email address) provided by the at least a portion of the plurality of potential voters via the content [sic] (registration) website [Column 19, lines 24-30]." The Examiner thus apparently attempts to analogize "a registration campaign" to "the consent website." However, Applicant notes col. 18, lines 55-57, states, "The registration campaign at the registration site operate independently of voting campaigns in system 10...." Accordingly, Applicant submits the cited portions of the cited reference teach away from "the URL of a voting campaign" and "a registration campaign" disclosing a "consent website," as the apparently asserted by the Examiner. Thus, Applicant submits the cited portions of the cited reference not only fail to disclose, but also teach away from the claimed invention as set forth in claims 16 and 33. Therefore, Applicant submits claims 16 and 33 are in condition for allowance.

Regarding claim 18, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in claim 18. For example, Applicant submits the cited portion of the cited reference fails to disclose, "for each eligible voter of the plurality of eligible voters that accesses the voting website, validating identity of the eligible voter to produce a validated voter." While the Examiner cites col. 28, lines 13 and 14, particularly step 242, as disclosing such feature, Applicant notes the paragraph including the cited portion begins with "Referring to FIG. 24,...." Applicant notes col. 26, lines 34-36, state "Referring to FIGS. 21-25, a flow chart of the operation and programming of the network server 12 for the registration site when connector to one of the registrant's computer 18, i.e., a network client computer, is shown." Also, as cited by the Examiner, Applicant notes col. 18, lines 55-57, states, "The registration campaign at the registration site operate independently of voting

campaigns in system 10...." Thus, Applicant submits the cited portions of the cited reference not only fail to disclose, but also teach away from the claimed invention as set forth in claim 18. Therefore, Applicant submits claim 18 is in condition for allowance.

Regarding claim 21, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention as set forth in claim 21. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein the voter database is stored in the memory." The Examiner cites column 5, line 12, which states, "...memory 14 storing a database 15...." However, Applicant notes col. 6, lines 66 and 67, state, "Multiple records in tables of database 15 store voting information." Applicant further notes the phrase "voting information" appears in claim 18, but claim 21 does not state, "wherein the voting information is stored in the memory," but rather "wherein the voter database is stored in the memory." Thus, Applicant submits the cited portions of the cited reference not only fail to anticipate but also teach away from the claimed invention as set forth in claim 21. Therefore, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention as set forth in claim 22. For example, Applicant submits the cited portions of the cited reference fail to disclose "wherein the voter database is accessed by the voting management processor over a network." While the Examiner cites "(computer system operating in accordance with software)" as allegedly teaching "accessed by the voting management processor" and "(network server 12 and network 20) [Figure 1 and Column 5, lines 42-44]" as allegedly teaching "over a network," Applicant notes the Examiner has alleges "(element 14 of Figure 1)" to be "memory" with respect to base claim 22, wherein the "voting management processor" comprises "memory." However, with respect to claim 22, the Examiner alleges "(database 15)" to be a "voter database" that "is accessed by the voting management processor over a network." Applicant notes the cited reference states, in col. 5, line 11, "...memory 14 storing a database 15...." Applicant submits, according to the Examiner's interpretation, it would be unnecessary for an alleged "voting management processor" allegedly comprising "memory 14," with "...memory 14 storing a database 15...," to access "database 15" over "network server 12 and network 20," as, according to the Examiner's interpretation, the alleged "voting management processor" would already comprise the alleged "voter database" internally. Moreover, Applicant can find no teaching in the cited portions of the cited reference that would allegedly disclose such functionality. Thus, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention as set forth in claim 23. For example, while the Examiner alleges "the memory stores additional (programmed) instructions" and cites col. 5, lines 42-44, which states, "The network server 12 operates in accordance with software representing programmed instructions...," the Examiner has alleged "memory 14" to be "the memory," and Applicant submits the Examiner has not identified any portion the cited reference that would allegedly teach "software representing programmed instructions" being stored in "memory 14." Thus, Applicant submits the Examiner has fails to show the cited portions of the cited reference teaching the present invention as set forth in claim 23. Therefore, Applicant submits claim 23 is in condition for allowance.

Regarding claim 28, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention as set forth in claim 28. For example, the Examiner alleges the "VoteLog table" of the cited reference discloses "the memory." However, with respect to base claim 18, the Examiner alleged "memory 14" to be the "the memory." Applicant can find no reference to "memory 14" in col. 14, lines 36-50, of the cited reference, as cited by the Examiner, and can find no statement by the Examiner alleging "memory 14" to comprise the "VoteLog table." Thus, Applicant submits the Examiner has failed to show the cited portions of the cited reference teaching the present invention as set forth in claim 28. Therefore, Applicant submits claim 28 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portions of the cited reference fail to disclose the claimed invention as set forth in claim 35. For example, Applicant submits the cited portions of the cited reference fail to disclose "sending voting notification email messages to the plurality of eligible voters, wherein the voting notification email messages provide access to a voting website managed by the voting server." While the Examiner cites col. 18, lines 58-60, and col. 13, lines 56-58, as allegedly disclosing such feature, Applicant can find no teaching as to network server 12 providing such feature. Thus, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in claim 36. For example, while the Examiner cites col. 18, lines 58-60, as were cited with respect to base claim 35, Applicant can find no teaching as to network server 12 "sending consent email messages to the plurality of potential voters." Thus, Applicant submits claim 36 is in condition for allowance.

The Examiner has rejected claims 6, 8, 11-15, 17, 25, 29-32, 34, and 37-39 under 35 U.S.C. § 103(a) as being unpatentable over Bayer et al. Applicant respectfully disagrees.

Regarding claims 6, 17, 25, and 34, the Examiner asserts that it is common knowledge that users who have registered for elections are subject to receiving relevant documentation, commonly in electronic formats. However, the Examiner fails to cite any reference or other evidence to support such assertion. Therefore, Applicant traverses the Examiner's assertion. Moreover, Applicant has presented arguments for the allowability of claims from which claims 6, 17, 25, and 34 depend. Thus, Applicant submits claims 6, 17, 25, and 34 are in condition for allowance.

Regarding claim 8, the Examiner asserts that it is old and well known in the art that either a HTTPS protocol or a SSL protocol can be used to handle secure communications between a web server and a web browser. The Examiner also asserts that it is old and well known in the art that such security measures are compatible with web browsers and are used by websites that typically transmit sensitive data. However, the Examiner fails to cite any reference or other evidence to support such assertions. Therefore, Applicant traverses the Examiner's assertion. Moreover, Applicant has presented arguments for the allowability of claims from which claim 8 depends. Thus, Applicant submits claim 8 is in condition for allowance.

Regarding claims 11 and 29, the Examiner asserts that it is old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the received votes and determine a winner. However, the Examiner fails to cite any reference or other evidence to support such assertion. Therefore, Applicant traverses the Examiner's assertion.

The Examiner states, "it is inherent that transfer agents would only receive voting information corresponding to eligible voters." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with Applicant's understanding of existing law. For example, Applicant submits that the Examiner has failed to establish that the public gained the benefit of the subject matter recited in claims 11 and 29 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claims 11 and 29 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378

(Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claims 11 and 29 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner has not shown claims 11 and 29 to be anticipated by the cited reference. Also, Applicant has presented arguments for the allowability of claims from which claims 11 and 29 depend. Consequently, Applicant submits claims 11 and 29 are in condition for allowance.

Regarding claims 12 and 30, the Examiner states that it is old and well known in the art that email messages containing confidential and sensitive data, such as financial information (credit card and bank account numbers), and personal identification (social security numbers) are encrypted and transmitted through a secure connection to a network server. However, the Examiner fails to cite any reference or other evidence to support such assertion. Therefore, Applicant traverses the Examiner's assertion. Moreover, Applicant has presented arguments for the allowability of claims from which claims 12 and 30 depend. Thus, Applicant submits claims 12 and 30 are in condition for allowance.

Regarding claims 13 and 31, the Examiner states that it is old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the votes and determine a winner. The Examiner also states that it is common knowledge that, if the transfer agent is assigned the responsibility of tallying the votes to determine the winner, then whenever voting information is received during the predetermined voting time period, it should be sent to the transfer agent for tallying. The Examiner further states that it is common knowledge that elections occur during a predetermined voting period, as they are not indefinite events. The Examiner also states that it is old and well known in the art that any system used to conduct elections would have some means accepting votes only during the predetermined voting period, disregarding any votes received after this period and ceasing to accept additional completed voting forms. The Examiner further states that it is common knowledge that eligible nonvoters have no "default" selections, as they did not participate in the election. However, the Examiner fails to cite any reference or other evidence to support such assertions. Therefore, Applicant traverses the Examiner's assertions.

The Examiner states, "it is inherent that transfer agents would only receive voting information corresponding to eligible voters who participated in the vote during the predetermined voting time period." The Examiner also states, "it is inherent that voters who failed to register or vote during the

predetermined voting time will not have their votes tallied in determining the winner." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with Applicant's understanding of existing law. For example, Applicant submits that the Examiner has failed to establish that the public gained the benefit of the subject matter recited in claims 13 and 31 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claims 13 and 31 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claims 13 and 31 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner has not shown claims 13 and 31 to be anticipated by the cited reference. Also, Applicant has presented arguments for the allowability of claims from which claims 13 and 31 depend. Consequently, Applicant submits claims 13 and 31 are in condition for allowance.

Regarding claims 14 and 32, the Examiner makes several assertions as to what the Examiner considers to be "old and well known in the art" or "common knowledge." However, the Examiner fails to cite any reference or other evidence to support such assertions. Therefore, Applicant traverses the Examiner's assertions. Also, Applicant has presented arguments for the allowability of claims from which claims 14 and 32 depend. Thus, Applicant submits claims 14 and 32 are in condition for allowance.

Regarding claim 15, the Examiner asserts "Official Notice" as to "the essential idea of an Intranet is that it uses Local Area Network (LAN) technologies to facilitate communication between people and improve the knowledge base of an organizations employees." The Examiner makes other factual assertions in absence of any cited reference. As the Examiner fails to cite any reference or other evidence to support such assertions, Applicant traverses the Examiner's assertions. The Examiner further states "...the use of external networks would inherently be required to deliver email messages." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with Applicant's understanding of existing law. For example, Applicant submits that the Examiner has failed to

establish that the public gained the benefit of the subject matter recited in 15 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claims 15 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claims 15 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner has not shown claims 15 to be anticipated by the cited reference. Also, Applicant has presented arguments for the allowability of claims from which claim 15 depends. Thus, Applicant submits claim 15 is in condition for allowance.

Regarding claim 37, the Examiner states that it is old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the votes and determine a winner. However, the Examiner fails to cite any reference or other evidence to support such assertion. Therefore, Applicant traverses the Examiner's assertion.

The Examiner states, "it is inherent that transfer agents would only receive voting information corresponding to eligible voters." The Examiner also states, "it is inherent that the process would involve the step of compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5], as taught by Bayer et al." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with Applicant's understanding of existing law. For example, Applicant submits that the Examiner has failed to establish that the public gained the benefit of the subject matter recited in claim 37 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claim 37 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claim 37 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner

has not shown claim 37 to be anticipated by the cited reference. Also, Applicant has presented arguments for the allowability of claims from which claim 37 depend. Consequently, Applicant submits claim 37 is in condition for allowance.

Regarding claim 38, the Examiner makes several assertions as to what the Examiner considers to be "old and well known in the art" or "common knowledge." However, the Examiner fails to cite any reference or other evidence to support such assertions. Therefore, Applicant traverses the Examiner's assertions. Also, Applicant has presented arguments for the allowability of claims from which claim 38 depends. Thus, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, the Examiner makes several assertions as to what the Examiner considers to be "old and well known in the art." However, the Examiner fails to cite any reference or other evidence to support such assertions. Therefore, Applicant traverses the Examiner's assertions. The Examiner states, "it is inherent that transfer agents would only receive voting information corresponding to eligible voters." The Examiner also states, "it is inherent that the process would involve the step of compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5], as taught by Bayer et al." While the Examiner asserts a rejection based on inherency, Applicant submits that the teachings of the cited reference fail to establish inherency in accordance with Applicant's understanding of existing law. For example, Applicant submits that the Examiner has failed to establish that the public gained the benefit of the subject matter recited in claim 39 from the teachings of the cited reference. *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373 (Fed. Cir. 2003). As another example, Applicant submits that the Examiner has failed to establish that the subject matter recited in claim 39 is present in the teachings of the cited reference. *Mentor v. Medical Device Alliance*, 244 F.3d 1365 (Fed. Cir. 2001); *Scaltech v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999). Thus, Applicant submits that the subject matter recited in claim 39 cannot be considered to be inherent in the teachings of the cited reference. Accordingly, Applicant submits the Examiner has failed to satisfy the burden of proof required for asserting a rejection based on inherency. Therefore, Applicant submits that the Examiner has not shown claim 39 to be anticipated by the cited reference. Also, Applicant has presented arguments for the allowability of claims from which claim 39 depends. Thus, Applicant submits claim 39 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date

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